

HAMILTON COUNTY BOARD OF COMMISSIONERS

AUGUST 13, 2001

The Hamilton County Board of Commissioners met on Monday, August 13, 2001 in the Commissioners Courtroom in the Hamilton County Judicial Center, Noblesville, Indiana. The Commissioners met in Executive Session from 1:00 pm - 1:50 pm. President Dillinger called the public meeting to order at 1:55 pm. A quorum was declared present of Commissioner Steven C. Dillinger, Commissioner Steven A. Holt and Commissioner Sharon R. Clark. The Pledge of Allegiance was recited by everyone.

Approval of Executive Session Memoranda:

Clark motioned to approve the Executive Session Memoranda of August 13, 2001. Holt seconded. Motion carried unanimously.

Approval of Minutes:

Clark motioned to approve the minutes of July 30, 2001. Holt seconded. Motion carried unanimously.

Public Hearing:

Ordinance 7-23-01-D, Vacation of Right-of-Way Portion of Westfield Boulevard:

Dillinger called the Public Hearing to order for Ordinance 7-23-01-D, Vacating a Portion of Dedicated Public Right of Way Along Westfield Boulevard in Hamilton County. Mr. Michael Howard stated this ordinance is for a small portion near the entry way of the Gibraltar Properties located on Westfield Boulevard, north of 96th Street on the west side of the road. The previously dedicated right-of-way was approximately 2.2 acres. The right-of-way to be vacated is part of the previously dedicated right-of-way of .004 acres. The condition of the vacation is if the land is needed for right-of-way the entryway being constructed will be removed at the owner's cost without compensation and the right-of-way can be used for public purpose. No public comments were made. Dillinger closed the public hearing at 1:57 pm. Mr. Les Locke, Hamilton County Highway Department, stated there is a concern on what the right-of-way dedication is and we would like to include where the sign is at. It looks like there is an additional 10'. We asked that it be eliminated from the vacation. Mr. Tim Knapp stated the area they wish to have vacated comes up next to the curb. They have requested 40' from centerline be vacated and that would make it tough for the County to do maintenance on the curb. Mr. Howard stated this was a request by the petitioner and if that is an amendment requested then would there be a new survey? Mr. Harry Todd stated that is fine with the petitioner. That modification is acceptable. Mr. Howard suggested the ordinance be tabled and the petitioner work with Mr. Knapp on a new legal description for the area to be vacated. The advertisement will still be adequate because it was advertised for the greater portion. Holt motioned to approve. Clark seconded. Clark stated she has spoken with DOCS, will this become a problem to accommodate what they are requesting you to do? Mr. Todd stated no. Mr. Locke asked what is being requested? Mr. Howard stated DOCS is requiring them to put in landscaping, we are requiring them to dedicate right-of-way and not put landscaping in. This is the middle ground between the two jurisdictions. Motion carried unanimously.

Bid Openings: (Tape 1, #208)

Contract 01-5, Resurface of Various Locations in Washington Township:

Mr. Michael Howard opened the bids for Resurface Contract 01-5, Various Locations in Washington Township. Form 96, Non-Collusion Affidavit, Bid Bond, Financial Statement and Acknowledgment of one Addendum are included unless otherwise specified. 1) Milestone Contractors - \$658,400.00. 2) Shelly & Sands - \$636,633.60. 3) Grady Brothers - \$652,000.00. 4) Rieth-Riley -

\$689,990.00. Could not find Non-Collusion Affidavit. 5) Calumet Asphalt - \$674,980.00. 6) E&B Paving - \$643,130.84. Mr. Howard recommended the bids be forwarded to the Highway Department for review and recommendation later in today's meeting. Clark motioned to approve. Holt seconded. Motion carried unanimously.

Contract 01-6, Resurface of Various locations in Delaware and Noblesville Townships:

Mr. Howard opened the bids for Resurface Contract 01-6, Various Locations in Delaware and Noblesville Townships. Form 96, Non-Collusion Affidavit, Bid Bond and Financial Statement are included unless otherwise specified. 1) Milestone Contractors - \$465,977.00. 2) Shelly & Sands - \$457,999.80. 3) Grady Brothers - \$465,000.00. 4) Rieth-Riley - \$473,000.00. 5) Calumet Asphalt - \$437,385.00. 6) E&B Paving - \$471,482.79. Mr. Howard recommended the bids be forwarded to the Highway Department for review and recommendation later in today's meeting. Clark motioned to approve. Holt seconded. Motion carried unanimously.

Bridge #34 Rehabilitation:

Mr. Howard opened the bids for Bridge #34, 96th Street over Williams Creek, Rehabilitation. Form 96, Non-Collusion Affidavit, Bid Bond, Financial Statement and Acknowledgment of two (2) Addendums are included unless otherwise specified. 1) Structure Contractors - \$410,799.58. 2) Shutt-Lookabill - \$426,732.61. 3) Erber & Milligan Construction - \$408,531.80. Mr. Howard recommended the bids be forwarded to the Highway Department for review and recommendation later in today's meeting. Clark motioned to approve. Holt seconded. Motion carried unanimously.

Plat Approvals:

Kingsborough, Section 4:

Village of West Clay, Section 7501A:

Village of West Clay, Section 8501:

Mr. Steve Broermann, Highway Department requested approval of the plats for Kingsborough, Section 4, replat of Village of West Clay, Section 7501A and Village of West Clay, Section 8501. The Highway Department recommends approval of Kingsborough, Section 4 and Village of West Clay, Section 7501A. We are not recommending approval of Section 8501 because of discrepancies in the Towne Road right-of-way. Holt motion to approve the first two plats. Clark seconded. Motion carried unanimously.

Mr. Jose Kreutz, Brenwick Development 12821 East New Market Street, Carmel, stated the issue on the Village of West Clay Section 8501 plat is that the primary plat for the Village of West Clay was approved 2 ½ years ago based on the knowledge and understanding with Cinergy that they would not relocate a very high voltage transmission line that they presently have along Towne Road right-of-way. We proposed at the time and it was approved, to leave the poles in a protective median in the center line of the road. We proposed to four lane Towne Road, when it is four laned we would build two of those lanes, the poles would stay in the protective median and we would build two lanes of traffic on each side of the road. Within the last two weeks Cinergy has advised us that they will remove some of the poles with some conditions. That move is subject to details including acquiring easements. Mr. Kreutz is skeptical that Cinergy will accomplish this. The Highway Department is right that there are some issues regarding Towne Road centerline that need to be worked out. Holding a plat hostage based on what Cinergy may or may fail to do is not reasonable. We currently show 88' between our western most lot and the section line of Towne Road. Towne Road has an 70' half right-of-way, so there remains 18.9' between the western most lot and the right-of-way should the centerline remain. We think the centerline will be moved to the west then we would have more distance between the lots. None of the lots in this plat are impacted directly by what happens to the road. Mr. Locke stated we were negotiating, prior to the announcement by Cinergy, that they will relocate the poles. Even if the poles are not relocated we could go ahead and plat the right-of-way on the centerline and not move the right-of-way. There might be some

guardrail required for the short term until the County installs the second lane to provide four lanes on Towne Road. At that point the Highway Department will get Cinergy to relocate the poles. They want to be in the easement outside of our right-of-way, which they may or may not get that. Even if they don't they did say they would be able to relocate within our right-of-way. The vicinity issue is not a large issue. Our concern is that we want to see the dedication of right-of-way along Towne Road equal to the width of the lots they are platting. It does critically impact the frontage road that they are putting in along with the depth of the lots along the frontage road. We want to make sure that there is not the argument that the next time they come in to plat that we now no longer can bring Towne Road back onto existing centerline alignment. There was also concurrence with Carmel, they would like to see that right-of-way dedicated at this time along Towne Road. The turn lanes, etc. can not be accommodated without that additional right-of-way. Our concern of not locating on the existing centerline is that as you get to the south end of this development there is only 60' half right-of-way dedicated along that subdivision, because it was platted prior to changes in the Thoroughfare Plan and now it would be 80'-85' off on the west side of the road throughout the Village of West Clay. There would have to be a jog to get it back in line. As we acquire more right-of-way from the developments south of their project we will be getting the increased right-of-way on the east side of the road. Our concern is temporary and long term is the jog in connection with the south end and also on the north end of the project. We did not feel it was in the best interest to plat any of the right-of-ways the 15' off the centerline as proposed. At this time until the right-of-way is platted on Towne Road along the centerline according to the Thoroughfare Plan, we are requesting this plat not be approved. Mr. Kreutz stated Carmel has signed off on the plat before you. Carmel's main concern was that Gleep Street is a boulevard that runs east to west that the right-of-way for it be recorded all the way to the intersection with the existing right-of-way for Towne Road, which we have done. For us to do a frontage road or us coming back is not fair that we force you into a position that you may have to give us a variance down the road. Everything we have proposed along Towne Road fits, whether the road is moved or not. We have a frontage road that can be accommodated with a common area, we can build 18' between the new, the existing or the proposed right-of-way. Mr. Kreutz stated he still does not understand what the issue is. Mr. Locke stated he does not understand what the issue is either. We have asked what the problem was in going in and platting Towne Road and we heard it is a utility issue and we don't see that as an issue. Holt motioned to approve. Clark seconded. Motion carried unanimously.

South Drive/Biddle Drive Name Change: (Tape 1, #1100)

Dillinger asked if we have approved the name of South Drive to Biddle Drive? Mr. Howard stated yes, the ordinance changing the name from South Drive to Biddle Drive has passed. There was a list of signatures submitted to the Commissioners objecting to the ordinance. There is no formal document to repeal the ordinance submitted. Clark asked it to be placed on the next meeting agenda under Highway Business.

Highway Business: (Tape 1, #1183)

Road Cut Permits:

Mr. Locke requested approval of Open Road Cut Permits: 1) P2001526 - Indianapolis Water Company on Hussey Lane from 10' south of centerline of 106th Street to 23' south of centerline of 106th Street for extending water services. 2) P2001565 - Excavating Plus, Inc. At 385' south of 99th Street on the west side of Westfield Boulevard for a water tap. Clark motioned to approve. Holt seconded. Motion carried unanimously.

Acceptance of Bonds/Letters of Credit - Highway Department:

Mr. Locke requested acceptance of Bonds and Letters of Credit for the Highway Department. 1) HCHD #B99-0088 - Statewide Insurance Company Continuation Certificate for Bond B104565 issued on behalf of Alternative Trenching in the sum of \$25,000 to expire 8/26/02. 2) HCHD #B99-0118 - Western Surety Company Continuation Certificate for Bond 24270142 issued on behalf of Eden Enterprises, Inc. in the sum of \$5,000 to expire 11/17/02. 3) HCHD #B00-0087 - Western Surety Company Continuation Certificate for bond 42824046 issued on behalf of Pools of Fun in the sum of \$25,000 to expire 5/22/02. 4) HCHD #B00-0092 - Ohio Casualty Insurance Company Public Official Bond 3-659-824 issued on

behalf of Les Locke, County Highway Engineer in the sum of \$8,500 to expire 8/6/02. 5) HCHD #B01-0102 - United States Fidelity and Guaranty Company Performance Bond 400SG3061 issued on behalf of Milestone Contractors LP in the sum of \$467,764.00 for Resurface Contract 01-4 Washington Township to expire 7/9/03. 6) HCHD #B01-0103 United States Fidelity and Guaranty Company Payment Bond 400SG3061 issued on behalf of Milestone Contractors LP in the sum of \$467,764 for resurface contract 01-4 to expire 7/9/03. 7) HCHD #B01-0104 - Developers Surety and Indemnity Company Subdivision Bond 886581S issued on behalf of Estridge Development Company in the sum of \$11,343.75 for curbs in High Grove, Section 2 to expire 7/25/03. 8) HCHD #B01-0105 - Developers Surety and Indemnity Company Subdivision Bond 886582S issued on behalf of Estridge Development Company in the sum of \$39,146 for streets in High Grove, Section 2 to expire 7/25/03. 9) HCHD #B01-0106 - Western Surety Company Performance Bond 69201213 issued on behalf of Rhino Trucking and Excavating in the sum of \$9,500 for demolition of 2-story dwelling and garage plus grading of lot to expire 8/1/03. 10) HCHD #B01-0107 - United States Fidelity and Guaranty Company bond 400SK6305 issued on behalf of Bright Sheet Metal Company, Inc. in the sum of \$5,000 for irrigation system within the right-of-way approximately 9900 Towne Road to expire 7/30/02. 11) HCHD #B01-0108 - American Motorists Insurance Company Performance Bond 3SM004605 issued on behalf of Drees Premier Homes, Inc. in the sum of \$108,866 for stone base, HAC binder, HAC Surface, concrete curbs, street signs in Kingsborough, Section 4 to expire 7/27/03. 12) HCHD #B01-0109 - Erie Insurance Company Permit Bond Q85 5170720 issued on behalf of Beaver Septic & Sewer Inc. in the sum of \$5,000 for permit to expire 8/9/02. 13) HCHD #L01-0006 - Fifth Third Bank Letter of Credit SB12942 issued on behalf of The Marina Limited Partnership in the sum of \$279,200 for streets and curbs in Canal Place, Section 4 to expire 7/31/02. 14) HCHD #L01-0007 - Fifth Third Bank Letter of Credit SB12943 issued on behalf of The Marina Limited Partnership in the sum of \$2,000 for street signs in Canal Place, Section 4 to expire 7/31/02. 15) HCHD #L01-0008 - Fifth Third Bank Letter of Credit SB12941 issued on behalf of The Marina Limited Partnership in the sum of \$80,500 for hispan bridge in Canal Place, section 4 to expire 7/31/02. Clark motioned to approve. Holt seconded. Motion carried unanimously.

Release of Bonds/Letters of Credit - Highway Department:

Mr. Locke requested release of Bonds for the Highway Department. 1) HCHD #B00-0115 - Erie Insurance Company Permit #2000619 issued on behalf of Mattingly Concrete in the sum of \$5,000 for a construction permit. 2) HCHD #B00-0119 - American States Insurance Company Permit Bond issued on behalf of Smith Homes, Inc. for permit P2000623. Holt motioned to approve. Clark seconded. Motion carried unanimously.

Agreements: (Tape 1, #1250)

Bridge #179 Engineering Supplemental Agreement No. 1:

Mr. Locke requested approval of Engineering Supplemental Agreement No. 1, HCHD #E-01-0018, with Paul I. Cripe for Bridge #179, 126th Street over Sand Creek. Holt motioned to approve. Clark seconded. Motion carried unanimously.

Bridge #177 Supplemental Agreement No. 2:

Mr. Locke requested approval of Supplemental Agreement No. 2, HCHD #E-00-0006 for Bridge #177, 146th Street over Sand Creek with United Consulting Engineers & Architects. Holt motioned to approve. Clark seconded. Motion carried unanimously.

Subdivision Inspection Agreements:

Windsor Grove Subdivision:

Mr. Locke requested approval of Subdivision Inspection Agreement, HCHD #A-01-0008, for Windsor Grove Subdivision with the owner Windsor Grove LLC and engineering firm EDIS, Inc. both agreements in the amount of \$7,800.00. Clark motioned to approve. Holt seconded. Motion carried unanimously.

Canal Place, Section Four Subdivision:

Mr. Locke requested approval of Subdivision Inspection Agreement, HCHD #A-01-0007, for Canal Place, Section Four, with the owner Marina Limited Partnership and the Engineering Firm Farrer, Garvey & Associates, LLC both agreements in the amount of \$9,400.00.

Treesdale Subdivision Sprinkler System Agreement:

Mr. Locke requested approval of an agreement, HCHD #M-01-0054, with Lucky LLC for landscape sprinkler system in right-of-way for Treesdale Subdivision on Towne Road. Clark motioned to approve. Holt seconded. Motion carried unanimously.

Bridge #141 Utility Agreements:

Mr. Locke requested approval of three Utility Agreements for Bridge #141, River Road over Vestal Ditch. The agreements are with Time Warner Cable, HCHD #M-01-0042; Indiana Gas Co., HCHD #M-01-0044; and Ameritech, HCHD #M-01-0043. Clark motioned to approve. Holt seconded. Motion carried unanimously.

Small Structure Utility Agreements:

Mr. Locke requested approval of several Small Structure Utility Agreements. 1) Verizon Communications, Inc., HCHD #M-01-0045 for E. 169th Street in Noblesville Township. 2) Insight Communications, HCHD #M-01-0046 for E. 169th Street in Noblesville Township. 3) Verizon Communications, HCHD #M-01-0047 for Cammack Road in Jackson Township. 4) Verizon Communications, HCHD #M-01-0048 for Oak Ridge Road north of E. 156th Street in Washington Township. 5) Verizon Communications, HCHD #M-01-0049 for Oak Ridge Road and E. 156th Street in Washington Township. 6) Indiana Gas Company, HCHD #M01-0050 for Oak Ridge Road and E. 156th Street in Washington Township. 7) Verizon Communications, HCHD #M-01-0051 for Tollgate Road between E. 241st Street and E. 236th Street in Jackson Township. 8) Verizon Communications, HCHD #M-01-0052 for Tollgate Road near E. 249th Street in Jackson Township. Holt motioned to approve. Clark seconded. Motion carried unanimously.

Bid Awards: (Tape 1, #1432)

Bridge #34, 96th Street over Williams Creek:

Mr. Locke recommended the bid for rehabilitation of Bridge #34, 96th Street over Williams Creek be awarded to Erber & Milligan Construction Company, Inc. in the amount of \$408,531.08. Clark motioned to approve. Holt seconded. Motion carried unanimously.

Contract 01-6, Resurface of Various Roads in Delaware and Noblesville Townships:

Mr. Locke recommended the bid for Resurface Contract 01-6, Various Roads in Delaware and Noblesville Townships be awarded to Calumet Asphalt in the amount \$437,385.00. Holt motioned to approve. Clark seconded. Motion carried unanimously.

Contract 01-5, Resurface of Various Locations in Washington Township:

Mr. Locke recommended the bid of Resurface Contract 01-5, Various Locations in Washington Township be awarded to Shelly & Sands in the amount of \$636,633.60. Holt motioned to approve. Clark seconded. Motion carried unanimously.

Concurrence with Traffic Studies Correspondence:

Clark motioned to approve the letter to Nancy Ramsey regarding No Parking Signs on Maple Drive and Lincoln Boulevard in Clay Township. Holt seconded. Motion carried unanimously. Holt motioned to approve the letter to Helen Hoffman regarding farm equipment crossing signs on 146th Street from Towne Road to Ditch Road in Clay Township. Dillinger seconded. Clark asked what does the MUTCD recommend on how it is determined how Farm Equipment signs should be installed? Mr. Christopher Burt stated he looked at sight distance where farm equipment would be crossing the road. Clark asked if it has anything to do with how much equipment or how much traffic? Mr. Burt stated no. There have been no accidents to date. Holt and Dillinger approved. Clark opposed. Motion carried. Holt motioned to approve the letter to Steven B. Whitaker and Michael Shepherd regarding the speed limits on 96th Street from Olio Road to Cyntheanne Road in Fall Creek Township and the speed limit on 96th Street from Olio Road to the Hancock County Line. Dillinger seconded. Clark stated it is very inconsistent and confusing to the drivers to go from 45 mph to 55 mph and back to 45 mph. She can not support this letter. Mr. Burt stated this area has about 2 ½ miles of a 55 mph zone between the two 45 mph zones. This portion of Olio Road is not in an urban zone, it mostly is cornfields with scattered houses. Holt and Dillinger approved. Clark opposed. Motion carried. Clark motioned to approve the letter to Ed Pierce regarding Multi-way Stops and Crosswalks for Rexham Court & Lantern Road; Brixham & Lantern Road; Chippenham Lane & Nottingham Road in Delaware Township. Holt seconded. Dillinger stated these people have been before us regarding these intersections. He knows the reasons we are denying the signs are the same reasons were given in Village Streams. Why is it not fair to give these people one of those Stop Signs as we did in Village Streams? Clark stated now it is satisfied because now we have the roads going through, which we did not have at that time. Dillinger stated we gave them Stop Signs for the same purpose that these folks have repeatedly asked us for. Dillinger stated he would not give them all the Stop Signs, but we should give them part of them. Motion to approve the denial was opposed unanimously. Dillinger motioned to approve a Stop Sign on Brixham & Lantern Road. Holt seconded. Motion carried unanimously.

Clark motioned to approve the letters to Mr. & Mrs. Barry Smalstig regarding No Trucks or Weight Limits Signs on Cherry Tree Road from Hazel Dell Parkway to 146th Street in Clay Township. Mr. & Mrs. James B. Loehr regarding a sidewalk on the north side of Fall Creek Road from Tamanend Trace to Tamenend Docks. Mr. Bruce D. Eccles and Glen F. Kesler regarding a Four-way Stop at 156th Street at Springmill Road in Washington Township. Cindy Haskell regarding a Four-way Stop at 141st Street and Shelborne Road in Clay Township. Holt seconded. Clark asked regarding the sidewalks on Fall Creek, were the residents given the opportunity to pay for those sidewalks? Mr. Locke stated yes. Motion carried unanimously.

Official Actions:

Mr. Locke requested approval of Official Actions for: No Trucks regulatory signs on Cherry Tree Road from Hazeldell Road to 146th Street and Stop Signs on Springmill Road STOPS for 156th Street. Clark motioned to approve. Holt seconded. Motion carried unanimously.

Status Report - Major Highway Projects:

Mr. Locke presented a Status Report for current major highway projects and programs in Hamilton County.

2001 Contract Resurface Program Revision:

Mr. Locke stated we have noticed some deterioration on the surface on Towne Road and 96th Street from US 421 to Springmill Road and Towne Road to just north of 116th Street, with the exception of our two intersection projects. We would like to add these to our 2001 Resurface Program. We have included the bridge over I-465 at Springmill in our bridge redeck contract. We are looking at adding that to this year's resurface program. We have approximately \$400,000 left in our 2001 Resurface Program. We did receive comments at the County Fair from people in the area of 96th Street and Shelborne Road. We are looking at the possibility of adding left turn lanes and adding a signal for a short-term solution. To do

all of this would be approximately over \$420,000. There are opportunities to work with Carmel Department of Community Development to help pay for improvements at 106th & Shelborne and 96th & Shelborne. This is in the TIF District, which we will probably not be generating enough money to do a lot of construction in the next four years. This would be a good improvement to do in the short term. Mr. Locke asked if the Commissioner's want them to do anything in this TIF District? He would recommend holding off doing anything in the TIF District until next year when we would have a better idea of our financial situation and use the available COIT dollars to add these roads to our current program. Clark motioned to approve the recommendation. Holt seconded. Motion carried unanimously.

Village Farms Resurface: (Tape 1, #2303)

Mr. Tom Stevens stated he has been receiving a lot of phone calls regarding the Village Farms resurface project. No one was in the audience to represent Village Farms. Mr. Stevens stated the residents are not happy with our current maintenance treatment where we put on overlay on the whole pavement and the overlay covers the majority of the curbs. We are doing this treatment because we feel we can delay the need for a more extensive and costly reconstruction of the pavements. This subdivision was constructed in the mid-70's prior to our current ordinance that establishes specifications for construction. The residents would like us to mill down from the existing surface and replace a new driving surface. We have tried that treatment in similar subdivisions 3-4 years ago and ran into quite a bit of trouble because of the existing section of the roadway is insufficient to carry the construction traffic alone after we start milling away the surface. We believe this is not a viable treatment in this particular location. We have had core samples taken this week that substantiates that is a very thin asphalt surface over 4" of aggregate. Based on experience, if you start milling and add construction traffic over it you would be into total reconstruction. We believe the property treatment is the preventative maintenance which we have had a lot of success with in similar subdivisions over the last 3 years. Mr. Locke presented pictures and data on a similar section from Village Farms that we resurfaced last year. Dillinger stated he has received 20 calls regarding this situation. Their argument is that we require curbs in our new subdivisions, they have curbs, why are we not keeping the curbs? The Highway Department has told him it is not necessary to resurface these roads right now, they could last another 5 years. Mr. Fisher stated if we start milling off we lose a lot of strength. Clark asked if we have ever reconstructed subdivision roads? Mr. Stevens stated our recommendation is that we do this preventative maintenance treatment to hopefully postpone the need for reconstruction. If we don't do something then a few years down the road, when the streets start to deteriorate to the point that we will have to come in and totally replace them. Mr. Locke stated we have reconstructed one road in Clay Township, Greentree. Clark stated that road had severe drainage problems. Clark asked if we are covering up the drains? Mr. Mark Fisher stated no. Clark stated it is just the curb the citizens are worried about? Dillinger stated they are saying this devalues their property, they have curbs and we are destroying the curbs. They say it has and will create some drainage problems. Mr. Stevens stated the concerns he heard were that the people believe that when we fill the curbs, the water will back up into their yards. Mr. Stevens stated we don't believe that will happen and we will watch for and if we think that is going to happen we change the paving to accommodate that drain. Mr. Fisher stated we start pinching it down at the gutter line, then we can minimize how much we are putting in the curb line. Mr. Locke stated we also get better drainage because the curb has settled. Mr. Fisher stated we don't have to replace the curb, which is expensive. Holt asked how many inches on average would you extend into the curb? Mr. Locke stated a curb is 24" wide, we cover 16" to 18" of that. Holt asked why if you ground the last 2' to 3' of the asphalt going towards the curb? Mr. Stevens stated we have tried that and ran in to problems. Holt asked how long will it be for the next resurface of the road on the screen? Mr. Fisher stated we hope to get 20 years. Holt asked in 20 years, what would the fix be? Mr. Stevens stated he would say a minimum of 12 to 20 years. Mr. Fisher stated he would recommend milling off the existing overlay, look at any curbs that need to be replaced and put it back the way it was, covering the curb a second time. Holt asked what is the average curb life? Mr. Howard stated they are replacing curbs in South Harbour that were installed in the early 70's. Holt stated some places on this stretch will have failure 10 to 12 years from now? Mr. Fisher stated yes, we do go in and replace those sections of curbs. Holt stated these roads that are being resurfaced now, are we repairing any curbs on that? Mr. Fisher stated approximately 325'. Holt asked if we will pave over those curbs after we repair them so it looks the same? Mr. Fisher stated yes. Mr. Fisher stated he has spoken to about 10 people and he has asked them to go to look at Adios Pass and Carey Court, which we did last year and he has

not received any calls back. Dillinger asked when is this scheduled to be done? Mr. Fisher stated it has been let, they are ready to go. Mr. Stevens stated our recommendation is to proceed. Our option is to buy out of the contract. Dillinger asked Mr. Stevens to respond to the Homeowners Association and tell them we have discussed it, be very specific of what our positions are and offer if they would like for one of our people to attend their Homeowners Association Meeting to talk to them we would be happy to do that. Commissioners consensus was to proceed with the project.

Field Driver over White River Bridge Request to Advertise:

Mr. Locke request permission to advertise for Bridge #208, Field Driver over White River Bridge and he requested signatures on the Title Sheet. Holt motioned to approve. Clark seconded. Motion carried unanimously.

96th Street & Towne Road:

Mr. Locke asked if the Commissioners wanted them to go ahead with the signal at 96th Street and Shelborne? Clark stated yes.

Request to Advertise Resurface Contract 01-7:

Mr. Locke requested permission to advertise for Resurface Contract 01-7, 236th Street in Jackson Township. Holt motioned to approve. Clark seconded. Motion carried unanimously.

Request to Advertise for Highway Equipment:

Mr. Stevens requested permission to advertise, in accordance with our replacement program, for the balance of the 2001 Equipment for 2- 4 wheel drive pick-up trucks, 2 four-door sedans and 1 mowing tractor. Holt motioned to approve. Clark seconded. Motion carried unanimously.

State Road 47 Unofficial Local Detour Release:

Mr. Locke requested approval of the release of the unofficial local detour on State Road 47 over Thistlewaite Legal Drain. That road is not in any worse condition than before we started the detour and we are not owed any money back from INDOT. Mr. Locke requested the President sign the release. Clark motioned to execute. Holt seconded. Motion carried unanimously.

Circular Drive Permit: (Tape 2, #53)

Mr. Locke stated we have denied a road cut permit for a circular drive from Christian Browning on West Road. Mr. Locke stated we allow those in subdivisions. The last time this was discussed with the Commissioners we determined we would not allow them off collector and arterial type roads. This is a collector road. In the future there will be a 40' right-of-way. His house is approximately 70' from the front of his house off the centerline of the road. If he was to put the driveway in we would have to cut him off anytime that road would be improved. We are trying to eliminate as many access points as we can along collector roads. We could possibly let them have one additional drive off of West Road but the Highway Department can not support two drives or a circular drive off of West Road. Dillinger stated Mr. Browning's position is that it is the front of their house. They put an addition on the house with the focal point being in front. All they actually have is access off of an easement road right now. Mr. Locke stated this drive would be to serve the front door of their house. They are asking for a 24' wide drive, which we don't allow that wide of a drive for a private driveway. Mr. Locke stated his biggest concern is that it is 70' off the centerline, you have a 40' right-of-way and a 24' wide road, it will end up being 6' in front of his house. We will end up having to pay him for the entire driveway and probably remove it. Clark stated that will make it more expensive to buy the right-of-way. Dillinger motioned to allow the "U" shaped drive and he be required to sign something to protect our interest in the event of expansion sometime in the future. Holt stated if that is 38' we are asking him to give us his front porch. Mr. Locke stated when he scaled it off the aerial photographs it is 70' from the centerline to the front of his house. Mr. Howard suggested asking for 20' now and require no compensation for the improvements of the driveway if we ever need

more than that. Dillinger rephrased his motion that we allow the "U" shape, two road cuts request that has been made if he agrees to dedicate 25' of right-of-way and hold the County harmless for any improvements or damages of the driveway should we expand further. Holt asked if we want the dedication now or if there is a project? Dillinger stated now. Holt seconded. Clark stated she can not approve two road cuts. Clark stated this sets a precedent that we can not support in other situations. Dillinger and Holt approved. Clark opposed. Motion carried.

Dillinger called a break at 3:30 pm. Dillinger called the meeting back to order at 3:50 pm.

Westfield Library Board Appointment:

Holt nominated Paul Catlin to replace James Carter on the Westfield Library Board. Clark seconded. Motion carried unanimously.

Noblesville Southeastern Library Board Appointment:

Dillinger motioned to reappoint Jane Gasch to the Noblesville Southeastern Library Board. Holt seconded. Motion carried unanimously.

Sheriff's Report:

Sheriff's 2002 Vehicle Request:

Captain Benny Craig stated the Hamilton County Sheriff has requested, for the 2002 Budget, the following vehicles: one transportation van for the jail, 17 marked cars, 3 additional complete cars if the three new positions are awarded and 5 plain cars. We would also like to try and replace our 1991 4-wheel drive.

Verizon Music Center Traffic:

Dillinger stated the traffic for Verizon Music Center is continually getting worse. One of the problems is that the parking fees are collected as they come into the parking lot, which compounds the problem of traffic backing up. He is not sure what the alternatives are. Dillinger stated he would like to set a meeting with Lt. Michael Ripper from the Indiana State Police and Tom Gehlhausen from the Hamilton County Sheriff's Department, Mike Howard, County Attorney and himself to address these problems. To force Verizon to do what we would have to have them do would require help from the State. Mr. Howard stated one of the things we need to realize is that I-69 is backed up from 82nd Street to 116th Street when there is not a concert. Dillinger stated he would like to plan on also bringing in the District Director Traffic Engineer and Development Engineer from the Greenfield District. Holt asked Lt. Gehlhausen how many sell outs have they had this year? Lt. Gehlhausen stated 8-10. Dillinger stated they have indicated it is the County's fault because we won't let the public use our roads. Lt. Gehlhausen stated they can use any road they want to coming in. Our traffic route tries to keep them out of the residential areas. When we first opened Olivo Road was not up to snuff for traffic. Now, that it has been improved, it is one of our routes as an exit. The only problem with that is people are not accustomed to getting back to the interstate from Olivo. When there are sell out crowds it takes about 1 ½ hour to get traffic out. It is the inbound traffic that is the biggest problem. Every letter we have received is from the people that have to go out Olivo Road and they don't know where they are going. Verizon is putting flyers on the cars to map how they should go. It is a longer route. Mr. Swift stated he received a complaint from a gentleman who complained to the traffic director for Verizon who told him they would be happy to have more exits but the County Commissioners would not let them have any more exits. Dillinger stated we are not doing anything to impede utilizing everything we can use? Lt. Gehlhausen stated no, we are using every road. There are only 4-5 roads that they can exit to. Clark asked how many ticket takers does Verizon provide for incoming traffic? Lt. Gehlhausen stated normally they have about 40 ticket takers in the main lot, where they park most of the cars. Our officers arrive at 4:30 for a show. By 6:30 we are starting to get traffic. On the other side gates there are 4-8 ticket takers depending on the gate. A radio station did not charge for parking and we still ran into the problem of not getting them parked fast enough. It made a little difference, but you can't get everyone in all at once. Mr. Howard asked if Lt. Gehlhausen had any

suggestions? Lt. Gehlhausen stated they are trying something new this week, where they will have four entry points into the lots to get traffic in quicker. When the main lot fills up they have to go to the east lot and the only way to that lot is off of 146th Street, which is a two lane road. Our officers are working the intersections, but they are not really directing traffic, it is just following itself. Clark asked if there is anyway to turn 146th Street in to a one way entry and a one way exit using both lanes? Lt. Gehlhausen stated we have done that, we have to keep one lane open for emergency. We will two lane 146th Street coming in from Olio into Gates 4 and 5 which does help, but it is still that everybody is coming in an hour and a half. Holt and Clark agreed to forming the committee.

Service Revolver:

Deputy Farley stated Sheriff Cook has requested he be allowed to give Bob Chandler his service revolver, he will be retiring next month. Holt motioned to approve. Clark seconded. Motion carried unanimously.

Attorney:

Personal Property Tax Collections:

Mr. Howard stated Sally Wilson, Treasurer, requested hiring an outside firm to collect delinquent Personal Property Taxes. She recommended a firm from Muncie, IN. The Commissioners had asked if there was anyone locally who could perform this service. Mr. Howard stated Steve Andrews submitted a contract which was substantially similar to the Muncie firm. The Muncie contract was 35%, Mr. Andrews is 30%. Under the statute you can add attorney's fees and costs to the amount of taxes that you are collecting for personal property. If the tax bill is paid in total the County gets the same amount of money. If the tax bill is paid in partial payments and the person files bankruptcy then the attorney takes 30% and we get 70% of whatever they got. Ms. Wilson has reviewed the agreement and she accepts it. Holt motioned to approve. Clark seconded. Motion carried unanimously.

Ordinance 8-13-01-A, Creating the Personal Property Tax Collection Fund:

Mr. Howard requested approval of Ordinance 8-13-01-A, Creating the Personal Property Tax Collection Fund. Holt motioned to waive the rules for purposes of considering this ordinance. Clark seconded. Motion carried unanimously. Holt motioned to adopt Ordinance 8-13-01-A on first reading. Clark seconded. Motion carried unanimously.

Dedication of Right-of-Way:

Mr. Howard requested approval of a Dedication of Right-of-Way from Hamilton County to the City of Carmel for Danbury Estates. This area is where the Lowes Development is going in for the ramps project at 146th Street and US 31. Holt motioned to adopt the grant of permanent right-of-way. Clark seconded. Motion carried unanimously.

Animal Control Ordinance:

Mr. Howard presented a summary and revision in the Animal Control Ordinance. He has spoken with Mike Fogerty and it is ready to go back with Mr. Howard's questions and comments.

Administrative Assistant: (Tape 2, #1470)

Precinct Redistricting:

Mr. Fred Swift stated Kathy Richardson has presented a timetable outline for the redistricting and precinct realignment. There is a opportunity between September 24 thru December 31st to address the County Council and Board of Commissioner redistricting. Clark asked Ms. Richardson if she has this in her budget or will you be asking for an additional appropriation? Ms. Richardson stated there is money in the Commissioner's budget of \$10,000. If it goes over that we may have to ask for an additional. Clark asked if we will need new precincts? Ms. Richardson stated we have 152 and her hope is to keep it under

10 additional precincts. We have another 40 precincts that are effected by annexation. Dillinger asked Ms. Richardson if she has the census data for the redistricting of the Council and Commissioner seats? Ms. Richardson stated she has some numbers. Dillinger asked when do we have to have that done? Ms. Richardson stated we have to do precincts first and then we can spend the rest of the year doing Council and Commissioners districts.

Hamilton County Plan Commission Appointment:

Mr. Swift stated Sunday Spong has resigned from the Hamilton County Plan Commission because she is moving from the township. Mr. Swift stated a recommendation has been received for Frank Habig III to replace Ms. Spong. Holt motioned to accept the recommendation. Clark seconded. Motion carried unanimously.

Wage Determination Board Appointments:

Mr. Swift stated the Town of Fishers has recommended Todd Tarbutton be appointed to a Wage Determination Board. Clay Regional Waste has recommended Bob Book be appointed to their Wage Determination Board. Holt motioned to approve. Clark seconded. Motion carried unanimously.

Surplus Computer Sale:

Mr. Swift stated he has tried to find an auctioneer for an August sale for the surplus computers. He has contacted Charlie Chaudion, who has not returned his phone calls. Mr. Chaudion has indicated in the past that the market for used computers is saturated. Mr. Swift stated the only problem will be storage of the old computers. We are out of room. Dillinger asked Mr. Swift to see what auctioneer is interested and hire them.

Juvenile Accountability Block Grant:

Mr. Swift stated Margaret Madden, Probation Department, has requested approval of a request for waiver for the 45%-35% distribution requirement for the Juvenile Accountability Incentive Block Grant Program (JAIBG). Clark motioned to approve. Holt seconded. Motion carried unanimously. Holt asked Mr. Swift to send a note back to Margaret that if this comes up again to send a letter of explanation with the application.

Letters of Credit/Bonds:

Mr. Locke asked if we have to sue for Letters of Credit or Bonds, such as Amwest, do we have to do so under the courts in Nebraska? Do we need to have a requirement that these insurers be domiciled in Indiana? Mr. Howard stated when you have an insolvency situation you have to go there. Normally if you sue under the bond you have jurisdiction in your State. This was a special circumstance where there was an insolvency. Mr. Howard stated he would feel comfortable amending the ordinance to require those Letters of Credit be presented in central Indiana. It might cause the developer to have to shop, but we have found ourselves scrambling at the last minute. Clark stated she would like to have it looked at for the next meeting.

County Fair Booths:

Dillinger stated he has received a memo from Tom Stevens regarding the Hamilton County Fair. Mr. Stevens has suggested we form a committee of some of the office holders who have booths at the Fair to have one county display, etc. It seems we have been put in remote areas with not much continuity. Maybe we should consider one tent just for County offices. They have been sent a letter from the 4-H Council that states in order to reserve a booth for next year they need to return the form by September 15. Dillinger stated he does not think 4-H should be charging county government for exhibitions. Dillinger asked Holt, as 4-H Liaison, if he would be willing to appoint a committee of people to look at this. Holt stated he does not think the majority of the crowd will be interested in a government tent. If they interspersed with other things they may get more visitors. Clark stated she thinks it would facilitate the

offices to be in one tent. Dillinger motioned to explore that, via Mr. Holt as 4-H Liaison. Mr. Locke stated if nothing else group them all together in the Merchants Tent. Holt stated he does not have a problem with them all being in the Merchants Tent, he thinks the government tent does not sound interesting. Deputy Farley stated the Sheriff did not have a booth out there this year because of where they had us located. Dillinger stated since it was Mr. Stevens idea we could have him put together a committee. Holt motioned, as 4-H representative, to ask Tom Stevens to assemble a group of users to make recommendations back to the Commissioners on how they would like to be organized for next years fair. Clark seconded. Motion carried unanimously. Dillinger asked Mr. Locke to give this message to Tom. Holt stated he will attend the meeting.

Auditor:

Payroll Claims:

Ms. Robin Mills requested Clark sign the Payroll Claims of July 30, 2001.

Ordinance 7/23/01/B: Establishing Separate Grant Funds:

Ms. Mills requested approval of Ordinance 7/23/01/B, Establish Separate Grant Funds. Ms. Mills stated the State Board of Accounts has approved the ordinance. Holt motioned to approve. Clark seconded. Motion carried unanimously.

Hartford Insurance Amendatory Rider:

Ms. Mills requested signature of the President on the Hartford Insurance Amendatory Rider stating the Stop Loss Amount has changed from \$80,000 to \$120,000, effective April 1, 2001. Holt stated that has been approved. Holt motioned to authorize the President to sign the Stop Loss change. Clark seconded. Motion carried unanimously.

Liability Trust Claims: (Tape 2, #2549)

Ms. Mills requested approval of Liability Trust Claims: 1) Hamilton County Treasurer - \$8,533.23 for the deductible for the water damage that occurred June 11, 2001 in the Historic Courthouse. Holt motioned to approve. Clark seconded. Motion carried unanimously. 2) The Hartford - \$2,233.81. Holt motioned to approve. Clark seconded. Motion carried unanimously.

Clerk of the Circuit Court Monthly Report:

Ms. Mills requested acceptance of the June 30, 2001 Monthly Report for the Clerk of the Circuit Court. Holt motioned to approve. Clark seconded. Motion carried unanimously.

County Treasurer's Monthly Report:

Ms. Mills requested acceptance of the February 2001 and March 2001 County Treasurer's Monthly Reports. Holt motioned to approve. Clark seconded. Motion carried unanimously.

Payroll Claims:

Ms. Mills requested approval of the Payroll Claims for the period of July 21 thru August 4, 2001 to be paid August 17, 2001. Holt motioned to approve. Clark seconded. Motion carried unanimously.

Vendor Claims:

Ms. Mills requested approval of the Vendor Claims to be paid August 14, 2001. Holt motioned to approve. Clark seconded. Motion carried unanimously.

Holt motioned to adjourn. Clark seconded. Motion carried unanimously. Meeting adjourned at 4:40 pm.

Commissioners Correspondence

Notice of Public Hearing for Elwood Wilson Drain

Hamilton North Library Signs on SR 19, Atlanta

Beam, Longest and Neff Notice of Transmittals:

Hamilton County Culvert Plans

Towne Road Corridor Study

Hoosier Heritage Port Authority Agenda

IDEM Notice of Sewer Permit Applications:

Zionsville Sewer Connection - Carmel

Stoney Creek Marketplace - Noblesville

Woods at Williams Creek Subdivision - Carmel

Village of West Clay, Section 9006 - Carmel

Creekside Centre- Westfield

Kirkpatrick Corner - Noblesville

IDEM Notice of Appeal Rights:

Royalwood, Sections 8 & 9 - Fishers

Creek's Edge at Oakmont - Noblesville

Brooks Manor Subdivision - Noblesville

Willow Lake - Noblesville

The Woods at Grey Eagle, Section 4 - Fishers

The Home Depot - Noblesville

Canal Place Subdivision, Section 2, 3 & 4 - Noblesville

Present:

Steven C. Dillinger, Commissioner

Steven A. Holt, Commissioner

Sharon R. Clark, Commissioner

Robin M. Mills, Auditor

Michael Howard, Attorney

Tom K. Stevens, Highway Director

Les Locke, Highway Engineer
Fred Swift, Administrative Assistant to Commissioners
Kim Rauch, Executive Secretary to Auditor
Wayne Farley, Sheriff's Deputy
Amy Rayle, Highway Public Service Representative
Virginia Hughes, Administrative Assistant to Highway Engineer
Jim Neal, Highway Project Engineer
James Farrell, Highway Inspector
Steve Broermann, Highway Technical Engineer
Mark Fisher, Highway Technical Engineer
Christopher Burt, Highway Staff Engineer
Tim Knapp, Highway Right-of-Way Specialist
Matt Morasch, Transportation Development Engineer
Matt Knight, Highway Staff Engineer
Mike McBride, Small Structure Staff Engineer
Dustin Teachnor, Highway Assets Manager
Faraz Hahn, Highway Department
Harry F. Todd, Gibraltar Properties, Inc.
John Schutt, Shutt-Lookabill Co., Inc.
Charlie Crawford, Structure Contractors, Inc.
Jake West, Rieth Riley Construction
Robert Bullard, AECON, Inc.
Becki Wise, USI
Kate Lewis, Ledger
Chuck Bracken, Shelly & Sands
Jim Belden, County Councilor
Benny Craig, Sheriff's Department
Tom Gehlhausen, Sheriff's Department

APPROVED:

Hamilton County Board of Commissioners

ATTEST:

Robin M. Mills, Auditor